

REMARKS

By this Amendment, Applicants add linking claim 16. Thus, claims 1-16 are pending in this application. Applicants respectfully assert that claim 16 belongs to Group II; however as discussed below, claim 16 is a linking claim and should be examined with Group I. Applicants respectfully request consideration and prompt allowance of the pending claims, at least in light of the following remarks.

In reply to the Restriction and Election of Species Requirement, Applicants provisionally elect Group I (claims 1-12), Species E1 (Figs. 1 and 2), Species D, and Species Da, with traverse. Applicants respectfully submit that because none of the identified species are mutually exclusive, claims 1-16 read on provisionally elected Species E1, Species D, and Species Da, and all of claims 1-16 are generic to all species.

However, the Restriction and Election of Species Requirement has failed to establish that restriction between Group I, Group II, and Group III is proper under MPEP §§ 806.05(e) and 806.05(h).

First, the Restriction and Election of Species Requirement has failed to allege that the apparatus of Group II can be used to practice another materially different process from that of Group I. The Restriction and Election of Species Requirement alleges that the apparatus as claimed (Group I) may be used "to practice a process of processing an accounting of a user account specified by the user ID." However, this alleged capability is not recited in either of apparatus claims 13 and 14 or new apparatus claim 16. Thus, the Restriction and Election of Species Requirement has failed to suggest a process materially different than that of Group I that may be practiced by the claimed apparatus of Group II, as required by MPEP §806.05(e). Accordingly, restriction between Group I and Group II is improper.

Second, Group I and Group III cannot be considered a product and a process of using the product, as none of the Group I claims recite a process of using a storage medium storing

a set of program instructions executable on a data processing device and usable for assigning an ID to an apparatus. Further, even if Group I could be considered a process of using the product of Group III, the Restriction and Election of Species Requirement has failed to allege that the product of Group III can be used to practice another materially different process from that of Group I. The Restriction and Election of Species Requirement alleges that the product as claimed (Group III) may be used "in a process of processing an accounting of a user account specified by the user ID." However, this alleged capability is not recited in product claim 15. Thus, the Restriction and Election of Species Requirement has failed to suggest a process materially different than that of Group I that may be practiced by the claimed product of Group III, as required by MPEP §806.05(h). Accordingly, restriction between Group I and Group II is improper.

Because the Office Action has failed to meet the requirements of MPEP §§ 806.05(e) and 806.05(h), restriction between alleged Group I, Group II, and Group III is improper.

Furthermore, the Office Action had failed to identify mutually exclusive species. MPEP §806.04(f) states that restriction to a single species is only proper where the species are mutually exclusive. None of claims 1-16 recite features that are mutually exclusive from another of claims 1-16. Accordingly, claims 1-16 cannot be grouped into mutually exclusive species. This is evidenced by the fact that all of pending claims 1-16 are generic to all species.¹

Finally, by this Amendment, Applicants add new linking claim 16. Claim 16 properly links at least Group I (process claims) and Group II (apparatus claims). Thus, in accordance with MPEP §809, at least claim 16 should be examined with elected Group I. If linking claim 16 is found allowable, at least Group II should be rejoined and allowed as well.

¹ See also MPEP §808.01(a) indicating that restriction to species should not be required where all claims are generic to all species.

In view of the foregoing, Applicants respectfully request withdrawal of the
Restriction and Election of Species Requirement.

Respectfully submitted,



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